

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL BLAES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14CV213 RLW
)	
JOHNSON & JOHNSON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Voluntarily Dismiss Without Prejudice (ECF No. 262). Upon consideration, the Court will grant the motion.


Federal Rule of Civil Procedure 41(a)(2) provides that after a defendant has served its answer, "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." The Court holds that Plaintiff has articulated a proper explanation for his desire to dismiss this action. The Court does not believe that dismissal of this action without prejudice would result in a waste of judicial time and effort because this case will likely be refiled and consolidated with *Swann v. Johnson & Johnson, et al.*, Circuit Court of the City of St. Louis, Cause No. 1422-CC-09326-01, a similar case in state court. See ECF No. 264. The Court agrees that it makes sense for the state court to hear a multi-plaintiff trial regarding the same type of ovarian cancer, particularly because the same documents, experts, and records can be used in one proceeding. Finally, the Court finds that dismissal of this action would not prejudice Defendants. Defendants have asked the Court to reset the current trial date of July 2016 to a later date. (ECF No. 261). Defendants, however, are largely unavailable for the remainder of 2016. (ECF No. 261). Plaintiff indicates to the Court that Plaintiff's claims would be tried in state court in *Swann*

on January 9, 2017. Therefore, the Court does not believe that Defendants would be prejudiced because state court would be able to try this case as soon, if not sooner, than this Court could. In addition, this Court has not ruled on the dispositive motions in this case so that the state court, which will try this case, can rule on those motions.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Voluntarily Dismiss Without Prejudice (ECF No. 262) is **GRANTED**, and Plaintiff's Complaint is **DISMISSED** without prejudice.¹ An appropriate Order of Dismissal will accompany this Order.

Dated this 29th day of March, 2016.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

¹ Any attempt by Plaintiff to file a new action based on or including the same claims against Defendants would be subject to Fed. R. Civ. P. 41(d).